

Appl. No. 10/817,354
Response dated 09th June 2005
Communication in reply to Notice regarding Restriction dated 10-May-05

GENERAL REMARKS

MPEP § 806.04(d), **Definition of a Generic Claim**, reads:

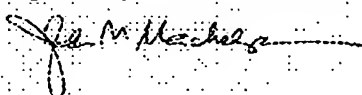
“... Once a claim that is determined to be generic is allowed, all of the claims drawn to species in addition to the elected species which include all the limitations of the generic claim will ordinarily be obviously allowable in view of the allowance of the generic claim, since the additional species will depend thereon or otherwise include all of the limitations thereof. . . .”

As is known, an allowed generic claim may link species embraced thereby.

Applicants withdraw their earlier mentioned election to their device made with traverse; and in place thereof have amended their claims, focusing the instant prosecution on those of applicants' claims directed to a method of producing an electrical device. Regarding their claims directed to an electrical resistive device, as one will see, the majority have been withdrawn from consideration herein, and nine claims have been cancelled (the latter having been done *solely* in an effort to accommodate the addition of nine new claims directed to applicants' method of producing, without requiring additional fees for the filing thereof, as the Patent Office recently dramatically increased *per claim* fees). Regarding the species sub-groupings identified by the examiner as having patentably distinct features over one another (i.e., patentable alternative structures of their devices), applicants find that this sub-grouping as moot for the reasons identified herein, and in light of the withdrawal and cancellation of claims directed to the device.

In sum, one can appreciate that an election has been made. Only nine claims (claims 12 and 15 – 22), two of which are independent claims, have been cancelled hereby; the remaining (claims 1 – 11, and 13 – 14) directed to the device are withdrawn from consideration herein. Applicants, thus, reserve the right to later prosecute *via* the filing of a continuation, continuation-in-part, and/or divisional application(s) should applicants so choose, any of the supportable device combinations, whether covered by claims that have been canceled herein.

Respectfully submitted this 09th day of June 2005,



Macheledt Bales & Heidmiller LLP
Jean M. Macheledt
Attorney for Applicant(s)/Assignee
Reg. No. 33,956
Tel. 970.218.6798